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Note verbale dated 10 November 2004 from the Permanent Mission of Algeria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Algeria to the United Nations presents its compliments to the Chairman of the Committee and has the honour to transmit herewith the initial report of the Algerian Government on the implementation of the above-mentioned resolution (see annex).

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Annex to the note verbale dated 10 November 2004 from the Permanent Mission of Algeria to the United Nations addressed to the Chairman of the Committee

People's Democratic Republic of Algeria Ministry of Foreign Affairs

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Report submitted pursuant to Security Council resolution 1540 (2004)

October 2004

Introduction

Right from independence, Algeria opted for a policy of maintaining international peace and security and fostering international cooperation as a factor for the economic and social development of developing countries and for solidarity among peoples. In so doing, Algeria committed itself firmly to a process of general and comprehensive disarmament, which would enable humanity to eliminate forever the risks inherent in weapons of mass destruction.

In keeping with that policy option, Algeria is currently party to virtually all the international legal instruments concerning disarmament and non-proliferation and has been endeavouring not only to fully implement them nationally, but also to promote their universal application. Similarly, having confronted the scourge of terrorism for well over a decade, Algeria has become a party to all international counter-terrorism conventions and has enacted strict legislation on which it has reported in pursuance of the relevant Security Council resolutions.

The present report describes Algeria's current laws and regulations, the bodies established and, generally, those measures already taken or planned by Algeria pursuant to Security Council resolution 1540 (2004).

1 – Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

1.1 – Action taken

By becoming a party to virtually all instruments governing global disarmament and guaranteeing the non-proliferation of nuclear, chemical and biological weapons of mass destruction, Algeria is working towards the total elimination of such weapons and for that reason refrains from developing them or providing any form of assistance for that purpose to State or non-State actors.

In order to comply with the requirements of the international conventions to which it has acceded, Algeria drafted and adopted national legislation that prohibits the development, acquisition, manufacture, possession, transfer or use of nuclear, chemical or biological weapons and their means of delivery.

Thus, Algeria's commitment to disarmament and to the non-proliferation of weapons of mass destruction has been steadfast and has been reflected in the ratification of many international instruments, chief among which are:

- Protocol for the Prohibition of the use in War of Asphyxiating, Poisonous, or Other Gases, and of Bacteriological Methods of Warfare, ratified on 27 January 1992;
- Nuclear Non-Proliferation Treaty, ratified on 12 January 1995;
- African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty), ratified on 11 February 1998;
- Comprehensive Nuclear Test Ban Treaty, ratified on 11 July 2003;

– Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, ratified on 22 July 2001;

– Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, ratified on 14 August 1995.

In the area of nuclear security and safety, Algeria has ratified the following conventions:

– Convention on the Physical Protection of Nuclear Material, ratified on 30 May 2003;

– Convention on Early Notification of a Nuclear Accident, ratified on 15 February 2003;

– Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, ratified on 15 February 2003.

1.2 – Future action

The Algerian authorities are in the process of finalizing the existing legislative and regulatory framework. The main elements are listed under various headings of this report.

2 – Paragraph 2

Decides also **that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempt to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.**

2.1 – Action taken

2.1.1 – Nuclear weapons

(a) Establishment of the Regulatory Body: the Regulatory Body was established in January 2004 under the Atomic Energy Commission (COMENA), which was set up on 1 December 1996 to regulate and coordinate nuclear activities in Algeria. The task of the Regulatory Body is to:

– Update national laws and regulations on notification, authorization and inspection systems;

– Evaluate national infrastructure for nuclear waste safety;

– Contribute to strengthening the enforcement of regulations on nuclear facilities and the management of radioactive material and waste.

Previously, those tasks were assigned to COMENA.

(b) Updating of national regulations: there is a national legislative and regulatory framework on notification, authorization and verification systems which is currently being updated to meet basic international standards. Other measures being taken concern the drafting of administrative regulations and procedures governing the possession, transfer and use of radioactive sources and materials as well as the establishment of a national regulatory framework for the protection of workers and the population against radiation and for the management of radioactive waste.

2.1.2 – Chemical weapons

– Act No. 03-09 of 19 July 2003 suppressing violations of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

Criminal and administrative penalties, including life imprisonment, are provided for under the Act.

– Presidential Decree No. 97-125 of 26 April 1997 establishing the National Authority on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction pursuant to article VII of the Convention.

As, an inter-ministerial committee under the authority of the Head of Government, the National Authority is composed of 15 members representing all the ministries involved in the implementation of the Convention. The Authority also bears responsibility for coordinating with the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons (OPCW) and the national authorities of other member States. Establishment of the Authority has strengthened the monitoring of chemical sector activities and thereby helped to prevent any risks of diverting or using chemicals for criminal purposes.

To sum up, the implementation of the Chemical Weapons Convention has set in motion the drafting regulations containing the following elements:

1. The operation of a chemicals production facility listed in schedules 1 and 2 of the annex on chemicals of the Convention or the modification thereof shall be subject to the prior authorization of the Minister of Industry. Facilities for the production of schedule 1 chemicals shall require State authorization before beginning their operations;

2. Activities relating to the chemicals listed in schedules 1,2 and 3 and to facilities manufacturing such chemicals must be declared;

3. The manufacturing facilities mentioned in paragraph 1 above shall be subject to national and international verification.

2.1.3 – Biological weapons

Since Algeria neither possesses nor produces biological weapons, it is committed, pursuant to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, to prohibit any proliferation of such weapons on its territory. In that regard, it undertakes never in any circumstance to develop, produce, stockpile, or otherwise acquire or retain microbial or other biological agents or toxins except

for lawful and peaceful purposes. Algeria also undertakes not to transfer to any recipient whatsoever and not in any way to assist, encourage or induce any State or other entity to manufacture or acquire the above-mentioned agents or toxins.

2.2 – Future action

2.2.1 – Nuclear weapons

Along with the consolidation of the domestic legal framework, plans have been made to strengthen the programme for training the relevant staff.

2.2.2 – Chemical weapons

The following four draft decrees for the implementation of the above-mentioned Act were finalized in June 2004 and will be promulgated soon. They concern:

– Procedures for declaring activities not prohibited by the Convention;

– Procedures for national and international inspections of the facilities and sites covered by the Convention;

– Operating conditions of the chemical production plants listed in schedules 1, 2 and 3 of the annex on chemicals of the Convention;

– Clearance procedures and formalities for the transfer of the chemicals listed in schedules 1 and 3 of the annex on chemicals of the Convention.

2.2.3 – Biological weapons

The lack of a verification mechanism for the Convention on the Prohibition of Biological Weapons delayed somewhat the establishment of a national legal framework immediately after the ratification of the Convention by Algeria. Thus, no specific legislation has been adopted to date to repress offences violating the provisions of the Convention. However, the existing regulation on hazardous products currently governs the monitoring of the use, operation and movement of biological agents.

For the purpose of proposing national measures for the implementation of the Convention and establishing an early-warning and intervention mechanism to address the risks and consequences of biological disasters, a working group has been set up under the authority of the Head of Government to propose measures on how the Convention on the Prohibition of Biological Weapons can be implemented at the national level. Its recommendations will be considered shortly.

3 – Paragraphs 3 (a) and (b)

Decides also **that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:**

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

3.1 – Action taken

Decree No. 93/16 of 4 December 1993 on the secure storage and transport of sensitive material.

3.1.1 – Nuclear weapons

Pursuant to the Nuclear Non Proliferation Treaty, a Comprehensive Safeguards Agreement, which permits nuclear accounting oversight has been in force since 7 January 1997 between Algeria and the International Atomic Energy Agency (IAEA). In that regard, Algeria regularly submits nuclear material accounting reports on its facilities to IAEA and receives programmed inspection visits by IAEA under the Comprehensive Safeguards Agreement.

In addition to such inspections, the Regulatory Body provides for enhanced verification of materials outside the facilities, including the close monitoring of the movement of radioactive sources and material.

All staff responsible for the accounting and control of nuclear material in the various zones have been adequately trained through participation in various courses organized subject by IAEA on that. A national programme for enhancing Algeria's capacity to take over nuclear materials accounting was organized within the country by COMENA in June 2002. Appropriate equipment and suitable software were acquired through IAEA.

No system of accounting for and control of nuclear material can be efficient without the taking of appropriate physical protection measures. For that reason, Algeria became a party to the Convention on the Physical Protection of Nuclear Material on 30 May 2003; the Convention on the Rapid Notification of a Nuclear Accident and the Convention on Assistance in the Case of Nuclear Accident or Radiological Emergency on 15 February 2004. In keeping with those commitments, the Algerian authorities are making efforts to strengthen the relevant domestic regulations.

3.1.2 – Chemical weapons

Decree No. 03/451 of 1 December 2003 defines the security regulations applicable to activities involving hazardous substances and chemicals as well as pressurized gas containers.

3.1.3 – Biological weapons

As mentioned previously, no statutes or regulations have been adopted to date pursuant to the Convention on the Prohibition of Biological Weapons. However, the conclusions of the above-mentioned working group include a recommendation for the adoption of a domestic law that would incorporate the provisions of the Convention.

3.2 – Future action

Several implementing regulations for the above-mentioned Decree No. 03/451 of 1 December 2003 are envisaged.

3.2.1 – Nuclear weapons

Since the general part of the subsidiary arrangements of the Comprehensive Safeguards Agreement entered into force on 23 January 2003, Algeria has been working on finalizing the standard forms in cooperation with the IAEA secretariat. Furthermore, Algeria is about to conclude the Additional Protocol to the Safeguards Agreement for which the Director-General was duly authorized by the IAEA Board of Governors on 14 September 2004.

With regard to nuclear safety and security, the provisions of the Codes of Conduct on the Safety and Security of Radioactive Sources and on the Safety of Research Reactors will also be gradually implemented. Three sets of regulations are being adopted with a view to updating and supplementing the existing regulations. They concern protection from ionizing radiation, the ionization of food products and radioactive waste management.

3.2.2 – Chemical weapons

See the four draft implementing decrees referred to under paragraph 2.

A multisectoral working group has been charged with identifying potential chemical risks with a view to devising appropriate early warning and intervention systems to address the risks of and fall out from chemical disasters. Its responsibility also includes research into the management of chemicals and chemical waste. It will submit its recommendations to the authorities shortly.

3.2.3 – Biological weapons

In addition to the criminal legislation needed to implement the Convention, the working group's recommendations also include the following measures:

- Strict regulation of the production, import, possession, marketing and transfer of biological agents in Algeria;
- Monitoring and granting of access only to duly authorized persons of facilities where biological agents are manufactured and stored;
- Review, together with the environmental services, of procedures for the destruction of outdated biological agents;
- Introduction of controls for verifying the implementation of the prescribed measures.

Other preventive measures are also envisaged, including the following:

- Establishment of national and regional early warning units;
- Strengthening of control measures at laboratories that provide food security services;
- Promotion of specialized reference laboratories;

– Developing recommendations on what to do in the event of biological contamination and dissemination of such recommendations to the bodies concerned.

4 – Paragraph 3 (c)

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

4.1 – Action taken

Owing to its extensive land, sea and air borders, Algeria introduced strict legislation and regulations on border controls very early. Thus, any dangerous nuclear, chemical or biological product imported or exported is subject to such controls. The existing legislative and regulatory framework was strengthened in the course of the 10 years when the country was fighting terrorism. Such legislation and regulations include:

– The Customs Code enacted by Act No. 79-07 of 21 July 1979 amended and supplemented by Act No. 98-10 of 22 August 1998;

– Order No. 76-80 of 23 October 1976 on the Maritime Code;

– Executive Decree No. 90-79 of 27 February 1990 regulating the carriage of hazardous materials;

– Executive Decree No. 02-01 of 6 January 2002 establishing general regulations for the operation and security of ports which lays down in particular conditions for the entry and exit of vessels.

In accordance with the above-mentioned maritime and customs codes, the carriage of goods by sea is subject to four controls: by the coast guard; the relevant departments of the Ministry of Transport; the border police; and the ports authority.

While the strict surveillance of ports and airports, because of detection capabilities, makes it possible to deter any trafficking, including trafficking in dangerous goods, the extent of Algeria's land borders, in contrast, makes them difficult to monitor as strictly as the law requires given the material and human resources that the exercise would entail.

4.2 – Future action

The Customs Code, which is currently being revised, should strengthen the punitive measures incurred for illicit trafficking or non-compliance with the regulations.

5 – Paragraph 3 (d)

Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-

shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

The import and export of chemicals and biological products are subject to strict regulations.

Concerning nuclear products, any transfer beyond Algeria's borders under technical cooperation is subject to the relevant provisions of the Comprehensive Safeguards Agreement concluded with IAEA.

6 – Paragraph 8 (a)

Calls upon **all States:**

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

In addition to being a party to virtually all the international disarmament and non-proliferation instruments, Algeria actively contributes within the framework of regional and international forums to the promotion of such instruments aimed at strengthening international peace and security. It participated in all the major international meetings in that connection, such as the review conferences of the Parties to the Treaty on the Non Proliferation of Nuclear Weapons, including that of 1995 and that of 2000 chaired by Algeria, the Chemical Weapons Convention Review Conference held in The Hague in 2002 and the conferences to promote the Comprehensive Nuclear Test Ban Treaty held regularly pursuant to article XIV of that Treaty.

Algeria participated in the drafting of the conventions of the League of Arab States, the African Union and the Organization of the Islamic Conference on terrorism. Furthermore, it continues to call for the drafting of a global United Nations convention against terrorism.

Algeria supports the establishment of nuclear-weapon-free zones in the world as a major step forward towards disarmament. It is working in particular towards the entry into force of the Pelindaba Treaty on the establishment of a nuclear-weapon-free zone in Africa and the establishment of a similar zone in the Middle East.

It continues to call for the resumption of the work of the Conference on Disarmament as the appropriate multilateral framework for the consolidation of international legal instruments governing disarmament. It also continues to support efforts and proposals aimed at drafting global conventions against terrorism, prohibiting weapons of mass destruction and encouraging disarmament.

7 – Paragraph 8 (b)

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

The actions taken or planned under this subparagraph have already been mentioned under the preceding headings.

9 – Paragraph 8 (c)

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

Algeria maintains relations with all the international bodies responsible for the mechanisms for monitoring the implementation of international non-proliferation and disarmament conventions and treaties. In that regard, Algeria maintains regular cooperation with IAEA with respect to safeguards, international cooperation for the peaceful uses of nuclear energy and nuclear safety and security. It participates actively in all the meetings of the IAEA governing bodies, as demonstrated by its active and constant presence in the IAEA bodies.

The importance Algeria attaches to the objectives of IAEA is also reflected in its unwavering support for the technical cooperation programme for the promotion of technical cooperation in the peaceful uses of nuclear energy. In that regard, it is deeply involved in the implementation of the African Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology (AFRA) developed by IAEA for Africa, by participating in projects, hosting events organized in that connection and making its national expertise available to IAEA.

Algeria also actively contributes, within the framework of OPCW, to the promotion and achievement of the objectives of the Chemical Weapons Convention and OPCW at the regional and international levels. Algeria, which has completed major stages in the implementation of that Convention at the national level, offers its assistance and expertise under a technical assistance programme developed by OPCW to assist African countries in implementing the Convention.

10 – Paragraph 8 (d)

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

10.1 – Action taken

Efforts are being made to inform both industry and the public about the regulations and measures adopted in those areas. For example, seminars and workshops are organized regularly by the Algerian customs department to inform all national stakeholders about the dangers of all the new forms of illicit trafficking in hazardous materials or in products subject to international control.

The National Authority established pursuant to the implementation of the Chemical Weapons Convention maintains regular contacts and relations with professionals of the chemical industry, who are informed about the provisions of the Convention. Such professionals are involved in the drafting of the annual declaration submitted to OPCW and in the regular updating of such declarations.

10.2 – Future action

In the context of national preparations by Algeria to accede to the Additional Protocol, an extensive awareness-raising campaign will be launched to inform all the sectors involved in the implementation of the Protocol about Algeria's obligations under that instrument. The regulations under preparation mentioned in sections* 1 and 2 also fall within the framework of cooperation with industry and the public.

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* *Translator's note*: The original text does not have Roman headings.